

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JOHN K. SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:10CV172-HEH
	)	
V. THOMAS, <i>et al.</i> ,	)	
	)	
Defendants.	)	


**FINAL ORDER**  
**(Adopting Report and Recommendation and Dismissing § 1983 Action)**

In accordance with the accompanying Memorandum Opinion, it is hereby  
ORDERED that Plaintiff's motion for an extension of time (Dk. No. 22) is GRANTED;  
the Report and Recommendation (Dk. No. 17) is ACCEPTED and ADOPTED; the action  
is DISMISSED WITHOUT PREJUDICE.

Plaintiff may appeal the decision of the Court. Failure to file written notice of  
appeal within thirty (30) days of the date of entry hereof may result in the loss of the right  
to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order  
to Plaintiff.

And it is so ORDERED.

 \_\_\_\_\_ /s/  
Henry E. Hudson  
United States District Judge

Date: Oct. 12, 2011  
Richmond, Virginia